

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION**

KENNETH OSBORNE, )  
                          )  
Plaintiff ,           )  
                          )  
v.                      ) Case No. 5:12-cv-00290-LSC-TMP  
                          )  
THOMAS GUTHRIE, et al., )  
                          )  
Defendants.           )

**MEMORANDUM OF OPINION**

The magistrate judge filed a report and recommendation on November 14, 2012, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed under 28 U.S.C. § 1915A(b) for failing to state a claim upon which relief may be granted. (Doc. 15.) No objections were filed.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the recommendation is ACCEPTED. Accordingly, the complaint is due to be dismissed pursuant to 28 U.S.C. § 1915A(b) for failing to state a claim upon which relief may be granted, or seeking monetary relief from defendants who are immune. A Final Judgment will be entered.

Done this 7<sup>th</sup> day of December 2012.



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L. SCOTT COOGLER  
UNITED STATES DISTRICT JUDGE  
[160704]